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12 United States of America

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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

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18 UNITED STATES OF AMERICA,
19 Plaintiff,
20 v.
21 DALE WESLEY HUBBARD,
22 Defendants.

23 CASE NO. 1:22-CR-00306-JLT-SKO
24 STIPULATION REGARDING EXCLUDABLE
25 TIME PERIODS UNDER SPEEDY TRIAL ACT;
26 ORDER
27 CURRENT DATE: November 6, 2023
28 TIME: 10:00 a.m.
COURT: Hon. Jennifer L. Thurston

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28 **STIPULATION**

29 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
30 through their counsel of record, hereby stipulate as follows:

31 1. By previous order, this matter was set for a change of plea on November 6, 2023.
32 2. By this stipulation, defendant now moves to vacate the status conference and set a change
33 of plea hearing for December 11, 2023 before the Honorable Jennifer L. Thurston, and to exclude time
34 between November 6, 2023, and December 11, 2023, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).
35 3. The parties agree and stipulate, and request that the Court find the following:
36 a) The government asserts the discovery associated with this case includes reports,
37 photographs, and recordings; initial discovery has been provided to defense counsel and the
38 government anticipates significant additional discovery will be produced. The government is
39 aware of its ongoing discovery obligations.

b) Counsel for defendant desires time to finalize plea discussions with his client and has accounted for scheduling conflicts to reach the proposed date. The parties need additional time to come to an agreement on certain details of a potential plea agreement.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of November 6, 2023 to December 11, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

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1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

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5 IT IS SO STIPULATED.

6 Dated: November 1, 2023

7 PHILLIP A. TALBERT
United States Attorney

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9 /s/ KIMBERLY A. SANCHEZ
KIMBERLY A. SANCHEZ
Assistant United States Attorney

10 Dated: November 1, 2023

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12 /s/ KEVIN P. ROONEY
KEVIN P. ROONEY
Counsel for Defendant
DALE WESLEY HUBBARD

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17 **FINDINGS AND ORDER**

18 IT IS SO FOUND.

19 IT IS SO ORDERED.

20 Dated: November 1, 2023

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23 UNITED STATES DISTRICT JUDGE